UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

1500 MINERAL SPRING
ASSOCIATES, LP, ET. AL,
Appellants,

vs.

LOUIS A. GENCARELLI, SR.,
Appellee.

C.A. No. 04-496T
C.A. No. 05-09T
C.A. No. 05-10T
C.A. No. 05-284T

FILED
AUG 3 0 2005
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

In re:

LOUIS A. GENCARELLI, SR.,

Debtor.

Bk. No. 04-10682
(Chapter 11)

APPELLANTS' MOTION TO CONSOLIDATE AND TO AMEND THE CONSENT ORDER REGARDING THE RECORD ON APPEAL AND BRIEFING SCHEDULE

The Appellants, 1800 Smith Street Associates, LP and 1500 Mineral Spring Associates, LP, by and through their General Partner, Jason's Realty Corp. (collectively, the "Creditors"), hereby request that this Honorable Court grant the within Motion as follows: (a) allow the most recently appealed bankruptcy court matter (C.A. 05-284T) to be consolidated with the three previously consolidated bankruptcy matters (C.A. No. 04-496T; C.A. No. 05-09T; C.A. No. 05-10T); (b) permit both the Appellants and the Appellee to prepare and file a supplemental consolidated record on appeal only as to items pertaining to C.A. 05-284T; and, thereafter, (c) permit the parties to file consolidated briefs, all in accordance with the proposed form of an Amended Consent Order attached hereto as Exhibit A.

For grounds, the Creditors state that their three prior appeals (C.A. No. 04-496T; C.A. No. 05-09T; C.A. No. 05-10T) from certain orders entered in the above-referenced bankruptcy proceeding were consolidated by this Court. Furthermore, the Creditors' most recent Motion for Leave to Appeal (C.A. Nos. 05-284T) from an Order entered on June 24, 2005 in the same bankruptcy proceeding was granted by this Court on August 16, 2005. All of the four above-referenced appeals arise from the same bankruptcy proceeding and the same factual background. Thus, by consolidating the record, the parties will have an identical, uniform set of documents to refer and cite to in their respective consolidated briefs. Furthermore, the Court will have the same set of documents for its review and consideration. Therefore, the proposed consolidation will promote judicial economy and prevent any duplication of effort by the Court and the parties. Finally, no party in interest will be prejudiced by the proposed consolidation. In fact, consolidation will make things easier for all concerned.

Consequently, for all of the reasons aforesaid, the Creditors respectfully request that the Court grant the within Motion permitting the proposed consolidation and enter an Amended Consent Order in the form attached hereto as Exhibit A.

Respectfully submitted,

1500 MINERAL SPRING ASSOCIATES, LP, and 1800 SMITH STREET ASSOCIATES, LP, by and through their General Partner JASON'S REALTY CORP.

By their Attorneys,

Denean M. Russo

Robert D. Wieck, Esq. #1739
Attorney Denean M. Russo #5043
MacAdams & Wieck Incorporated
101 Dyer Street, Suite 400
Providence, Rhode Island 02903
(401) 454-8700
(401) 454-8755 (facsimile)
Dated: August 30, 2005

DENIED

Ernest C. Torres

Ernest C. Torres
Chief, US District Judge

9/20/05

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the within Motion was sent first class mail, postage prepaid, on this 30th day of August, 2005, to the following:

Joseph Ferrucci, Esq.
Christopher Mulhearn, Esq.
Ferrucci Russo P.C.
55 Pine Street
Providence, RI 02903

Leonard J. DePasquale, Esq.
Assistant United States Trustee
10 Dorrance Street
Suite 910
Providence, RI 02903

Michelle B. Daugherty

G:\Sisto, Bennie\Gencarelli, Louis A. Sr\BANKRUPTCY PLEADINGS\Motion to Consolidate and Amend Order Re Record on Appeal & Briefs 081705.doc